

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**IN RE: REALPAGE, INC., RENTAL  
SOFTWARE ANTITRUST LITIGATION  
(NO. II)**

**Case No. 3:23-md-3071**

**MDL No. 3071**

**Chief Judge Waverly D. Crenshaw, Jr.**

**JURY DEMAND**

**This Document Relates to:**

**3:23-cv-00329**

**3:23-cv-00330**

**3:23-cv-00333**

**3:23-cv-00335**

**3:23-cv-00337**

**3:23-cv-00357**

**3:23-cv-00387**

**3:23-cv-00413**

**3:23-cv-00411**

**3:23-cv-00410**

**3:23-cv-00356**

**3:23-cv-00389**

**3:23-cv-00412**

**3:22-cv-01082**

**3:23-cv-00358**

**3:23-cv-00377**

**3:23-cv-00390**

**3:23-cv-00380**

**3:23-cv-00391**

**3:23-cv-00416**

**3:23-cv-00415**

**3:23-cv-00414**

**3:23-cv-00339**

**3:23-cv-00326**

**3:23-cv-00440**

**3:23-cv-00445**

**UNOPPOSED MOTION TO DEEM  
PINNACLE PROPERTY MANAGEMENT SERVICES, LLC  
SUBSTITUTED FOR CUSHMAN & WAKEFIELD, INC.**

Plaintiffs in certain matters transferred to this multidistrict litigation (“MDL”) originally named “Cushman & Wakefield, Inc.” as a Defendant. Counsel for that entity conferred with

Plaintiffs' Co-Lead Counsel, indicating their belief that the proper business entity to be named (if any) is "Pinnacle Property Management Services, LLC." Accordingly, in the Consolidated Amended Complaint (Dkt. 291), Multi-Family Plaintiffs named "Pinnacle Property Management Services, LLC" as a Defendant (and, correspondingly, did not name "Cushman & Wakefield, Inc." as a Defendant). The same is true for the First Amended Consolidated Class Action Complaint. (Dkt. 314).

The pleadings in the underlying dockets in the above-captioned matters list the original entity "Cushman & Wakefield, Inc.", rather than the corrected one. Therefore, as to the above-captioned matters, Plaintiffs respectfully move the Court to (1) deem "Pinnacle Property Management Services, LLC" as substituted for "Cushman & Wakefield, Inc." in each case; and (2) terminate "Cushman & Wakefield, Inc." as a Defendant on each docket.<sup>1</sup> Plaintiffs also submit that filing individual amended complaints in each of these actions would not be a good use of party or judicial resources. Accordingly, in the interests of conservation of resources and judicial economy, Plaintiffs hereby respectfully request that the Court also defer the need for the Plaintiff(s) in each of these matters to file an amended pleading reflecting this substitution until further order of the Court.

Co-Lead Counsel has conferred with counsel for the Cushman and Pinnacle entities. They have indicated that they do not oppose the relief requested in this Motion, provided that Plaintiffs agree that consenting to this relief does not constitute a waiver of their right to challenge service of process, subject matter jurisdiction (as qualified by Defendants' June 7, 2023 Notice Re

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<sup>1</sup> The Complaint in *Navarro v. RealPage, Inc., et al.*, 3:23-cv-00329, lists both "Cushman & Wakefield, Inc." and "Pinnacle Property Management Services, LLC." For that case, substitution is not required and Plaintiffs will shortly file a voluntary dismissal for Cushman & Wakefield, Inc. and Pinnacle Property Management Services, LLC.

Defendants' Positions on Jurisdiction, Service, Arbitration and Other Issues) (Dkt. 261), personal jurisdiction, or venue, or on the basis of agreements to arbitrate, class action waivers, jury trial waiver, and venue-selection provisions, as warranted. Plaintiffs have agreed to this request and ask the Court to grant the relief requested herein, subject to that understanding.

Dated: August 2, 2023

/s/ Tricia R. Herzfeld

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*Plaintiffs' Steering Committee Counsel for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on August 2, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses denoted on the Electronic Mail Notice List.

/s/ Tricia R. Herzfeld

Tricia R. Herzfeld